

L. Poe Leggette (Wyo. Bar No. 7-4652)
 Mark S. Barron
 Alexander K. Obrecht (Wyo. Bar No. 7-5542)
 BAKER & HOSTETLER LLP
 1801 California Street, Suite 4400
 Denver, Colorado 80202
 Telephone: 303.861.0600
 Facsimile: 303.861.7805
 pleggette@bakerlaw.com
 mbarron@bakerlaw.com
 aobrecht@bakerlaw.com

*Attorneys for Petitioners Western Energy
 Alliance & Petroleum Association of Wyoming*

JEAN E. WILLIAMS
 Acting Assistant Attorney General
 Environment & Natural Resources Division
 United States Department of Justice

MICHAEL S. SAWYER
 Trial Attorney, Natural Resources Section
 Ben Franklin Station, P.O. Box 7611
 Washington, D.C. 20044-7611
 Telephone: (202) 514-5273 (Sawyer)
 Fax: (202) 305-0506
 Email: michael.sawyer@usdoj.gov

Counsel for Federal Defendants

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING**

WESTERN ENERGY ALLIANCE and)
 PETROLEUM ASSOCIATION OF)
 WYOMING,)
)
 Petitioners,)
)
 v.)
)
 JOSEPH R. BIDEN, Jr., in his official)
 capacity as President of the United States,)
 DEB HAALAND, in her official)
 capacity as Secretary of the Interior,)
 and UNITED STATES BUREAU)
 OF LAND MANAGEMENT,)
)
 Respondents.)
)

Civil Case No. 0:21-cv-00013-SWS

**JOINT MOTION TO ADOPT BRIEFING PLAN
 ON MOTION FOR PRELIMINARY INJUNCTION**

Petitioners Western Energy Alliance and the Petroleum Association of Wyoming and federal defendants submit respectfully this joint motion requesting the Court adopt the parties’

proposed briefing plan – encompassing page limitations and briefing deadlines – on Petitioners’ forthcoming motion for preliminary injunction.

In support of proceeding in the manner proposed, Petitioners submit the following description of their challenge (which Federal Defendants do not join):

1. On March 17, 2021, Petitioners filed their operative complaint in this action. Petitioners allege that federal defendants’ have cancelled oil and gas lease sales that the Bureau of Land Management (“BLM”) State Offices had previously been scheduled to conduct. Petitioners assert that these cancellations violate the Secretary of the Interior’s statutory obligations and were implemented in an arbitrary and capricious manner. Federal defendants deny Petitioners’ allegations and contend that the cancellations conform with all applicable law.

2. Petitioners anticipate challenging numerous substantive and procedural flaws that Petitioners allege undermine the validity of federal defendants’ cancellation of lease sales. Petitioners contend that the manner in which federal defendants have cancelled the lease sales is contrary to multiple laws, including provisions of the Mineral Leasing Act, the Federal Land Policy Management Act, the National Environmental Policy Act, and the Energy Policy Act. Petitioners also contend that cancellation of the lease sales is invalid as a matter of administrative law because the cancellations are not supported by substantial evidence and are inadequately explained.

3. Petitioners also assert that additional pages will be necessary to provide the factual background applicable to the cancellation of lease sales in multiple BLM State Offices and to describe the complex statutory background that serves as context for the Department of the Interior’s oil and gas leasing program.

Because of the numerous factual and legal issues that Petitioners' preliminary injunction motion is likely to present, the parties jointly propose the following briefing plan which includes briefs that exceed the page limitations that would otherwise apply under Local Rules 7.1(b)(2)(B) and 7.1(b)(2)(C) and incorporates filing deadlines beyond those that would otherwise apply under Local Rules 7.1(b)(2)(A) and 7.1(b)(2)(C).

- Petitioners to file a motion for preliminary injunction up to thirty-five (35) pages in length
- Within twenty-eight (28) days from the filing of Petitioners' motion, federal defendants may file a response to Petitioners' motion up to forty (40) pages in length
- Within ten (10) days of federal defendants' filing of a response memorandum, Petitioners may file a reply in support of Petitioners' motion up to fifteen (15) pages in length

Because proceeding in the manner proposed is both reasonable and necessary to ensure that the complex substantive and procedural issues Petitioners' motion is anticipated to present are adequately addressed and properly submitted to the Court, the parties jointly request the Court grant this motion and adopt the briefing plan described in the previous paragraph.

Submitted respectfully this 10th day of May, 2021,

/s/ Mark S. Barron

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pleggette@bakerlaw.com

mbarron@bakerlaw.com

aobrecht@bakerlaw.com

Attorneys for Petitioners

JEAN E. WILLIAMS

Acting Assistant Attorney General

Environment & Natural Resources Division

United States Department of Justice

/s/ Michael S. Sawyer

MICHAEL S. SAWYER

Trial Attorney, Natural Resources Section

Ben Franklin Station, P.O. Box 7611

Washington, D.C. 20044-7611

Telephone: (202) 514-5273 (Sawyer)

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Email: michael.sawyer@usdoj.gov

Counsel for Federal Defendants

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2021, a copy of the foregoing **JOINT MOTION TO ADOPT BRIEFING PLAN ON MOTION FOR PRELIMINARY INJUNCTION** was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Mark S. Barron

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